

PATENT COOPERATION TREATY

PCT

NOTIFICATION TO THE DESIGNATED OFFICE
OF RECEIPT OF RECORD COPY

(PCT Administrative Instructions, Section 426)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE

in its capacity as designated Office

Date of mailing (day/month/year)

26 March 2001 (26.03.01)

Applicant's or agent's file reference

J6547(C)/PMK

The designated Office is hereby notified that the International Bureau has received the record copy of the international application identified below:

Applicant(s):

International application No. : PCT/EP00/09144
International filing date : 18 September 2000 (18.09.00)
Priority date(s) claimed : 01 October 1999 (01.10.99)
Date of receipt of the record copy
by the International Bureau : 11 December 2000 (11.12.00)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Catherine Massetti

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PATENT COOPERATION TREATY

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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE
in its capacity as elected Office

Date of mailing (day/month/year)
06 June 2001 (06.06.01)

International application No.
PCT/EP00/09144

Applicant's or agent's file reference
J6547(C)/PMK

International filing date (day/month/year)
18 September 2000 (18.09.00)

Priority date (day/month/year)
01 October 1999 (01.10.99)

Applicant

UNILEVER NV et al

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
29 March 2001 (29.03.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 18 JAN 2002

WIPO PCT

12

Applicant's or agent's file reference J6547(C)/PMK	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/09144	International filing date (day/month/year) 18/09/2000	Priority date (day/month/year) 01/10/1999
International Patent Classification (IPC) or national classification and IPC A61K7/00		
Applicant UNILEVER PLC et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 29/03/2001	Date of completion of this report 16.01.2002
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Rauter, A Telephone No. +49 89 2399 8645



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP00/09144

I. Basis of this report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):
Description, pages:

1-26 as originally filed

Claims, No.:

1-16 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP00/09144

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 16.

because:

- ☒ the said international application, or the said claims Nos. 16 with respect to industrial applicability relate to the following subject matter which does not require an international preliminary examination (*specify*):
see separate sheet
 - ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
 - ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☐ no international search report has been established for the said claims Nos. .
2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the standard.
 - ☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1 - 16
	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1 - 16
Industrial applicability (IA)	Yes:	Claims	1 - 15

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP00/09144**

No: Claims

2. Citations and explanations
see separate sheet

SECTION III

1. Claim 16 comprises subject-matter which is considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(i) PCT).

For the assessment of the present claim 16 on the question whether it is industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

SECTION V.

1. Reference is made to the following documents:

D1: US-A-5 487 887

D2: EP-A-0 278 660

D3: WO-A-9 706 777

D4: J. Soc. Cosmet. Chem., 42, 235-247 (1991)

2. The present application does not satisfy the criterion set forth in Article 33(3) PCT because the subject-matters of independent claims 1 and 16 as well as of dependent claims 2 - 15 do not involve an inventive step (Rule 65(1)(2) PCT).

The problem to be solved by present application is seen in the provision of further antiperspirant compositions which comprise cosmetic oils and surfactants suitable for application to the axilla.

For example, document D2 already provides compositions (see eg the claims) as presently comprised with the exception that the addition of antiperspirant salts as

active component has been mentioned. However, from page 3, lines 51 - 56 of D2, it can be taken that the compositions can be used as a carrier for actives and in particular as such actives have been advantageously incorporated in similar compositions in eg D1 or D3. It is thus concluded that the person skilled in the art will arrive at presently defined system in an obvious manner by using the knowledge of the prior art. With respect to the claimed method of controlling underarm perspiration, it appears evident that the compositions are applied to the axilla. The claimed subject-matter lacks therefor an inventive step.

Similarly, a combination of the teachings of D4 and eg D1 or D3 would lead the skilled person to present subject-matter.

Dependent claims 2 - 15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, since the specific embodiments must be considered suggested or deducible from the cited prior art.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 00/09144

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K7/00 A61K7/32 A61K7/34 A61K7/38

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

WPI Data, PAJ, EPO-Internal, CHEM ABS Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5 487 887 A (BENFATTO) 30 January 1996 (1996-01-30) cited in the application the whole document	1-10, 13-16
Y	EP 0 278 660 A (STIEFEL LABORATORIES (IRELAND) LIMITED) 17 August 1988 (1988-08-17) page 2, line 36 -page 3, line 47 examples 1-8	1-9, 15, 16
Y	WO 97 06777 A (THE MENNEN COMPANY) 27 February 1997 (1997-02-27) examples 10-13	10
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Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

1 March 2001

Date of mailing of the international search report

08/03/2001

Name and mailing address of the ISA

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Alvarez Alvarez, C

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 00/09144

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	<p>SWAFFORD ET AL.: "Characterization of swollen micelles containing linoleic acid in a microemulsion system"</p> <p>J. SOC. COSMET. CHEM.,</p> <p>vol. 42, no. 4, 1991, pages 235-247,</p> <p>XP000984183</p> <p>figure 1</p> <p>-----</p>	13-15

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 00/09144

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5487887	A	30-01-1996	US 5575990 A	19-11-1996
EP 278660	A	17-08-1988	IE 60024 B	18-05-1994
			AT 81279 T	15-10-1992
			BE 1000281 A	04-10-1988
			DE 3875128 A	12-11-1992
			DE 3875128 T	29-04-1993
WO 9706777	A	27-02-1997	AU 711443 B	14-10-1999
			AU 6718296 A	12-03-1997
			BR 9610156 A	05-10-1999
			CA 2229742 A	27-02-1997
			EP 0845977 A	10-06-1998
			US 6007799 A	28-12-1999